

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In the Matter of the Complaint of Tamara Sopka, Independent Administrator for the Estate of Orest Sopka, Deceased, and Axess Holding Company, LLC as Owners of a 2012 Rinker 310 Express motor vessel "AXESS" for Exoneration from or Limitation of Liability

Civil No. 15-CV-03230 (MIS)

**MARKEL AMERICAN INSURANCE COMPANY'S
NOTICE OF WITHDRAWAL OF ITS
PETITION TO INTERVENE**

Markel American Insurance Company (hereinafter, "MAIC"), by counsel, hereby provides notice of its withdrawing its Petition to Intervene (ECF 63) in the above-captioned action. MAIC is doing so without prejudice and with the intention to re-file a similar Petition at a later date. The reasons for MAIC's present withdrawal are as follows:

MAIC's Petition was filed for the purpose of facilitating MAIC's filing an Interpleader in the related actions now pending in the Circuit Court for Cook County, Illinois. Because of that Interpleader MAIC believes it appropriate for its insureds, Tamara Sopka, as Independent Administrator of the Estate of Orest Sopka, Axess Holding Company, LLC, and Creative Yacht Management, Inc. (d/b/a "Sailtime Chicago"), each of whom are parties in the instant action before this Court, to obtain independent counsel to represent them in connection with this litigation, and it has so advised its insureds. Because of the need for its insureds to identify, retain, and instruct their respective independent counsel, mindful that it will take some time for that to take place, and desiring to avoid a situation in which any of its insureds are in any way prejudiced or inconvenienced in these proceedings by the need to do so prior to their responding

to MAIC's Petition to Intervene in this action, MAIC is electing to withdraw its Petition without prejudice, for the time-being. Once its insureds have independent counsel in a position to respond appropriately to MAIC's petitioning this Court for leave to intervene, MAIC will file a new Petition with the Court.

To date, no party has filed any pleading responsive to MAIC's instant Petition.

WHEREFORE, Markel American Insurance Company hereby withdraws its Petition to Intervene (ECF 63), without prejudice to its re-filing a similar Petition in the future.

Dated: May 9, 2016

Respectfully submitted,

By: /s/ James M. Eastham

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on May 9, 2016, he electronically filed the foregoing **NOTICE OF WITHDRAWAL OF ITS PETITION TO INTERVENE** on behalf of Markel American Insurance Company, with the Clerk of the U.S. District Court for the Northern District of Illinois, via its CM/ECF system, which will send electronic notification to all counsel of record, who have consented to accept service by electronic means, as follows:

<p><u>Attorneys for Plaintiff Tamara Sopka & Axess Holding Company, LLC</u> James E. Mercante (<i>Pro Hac Vice</i>) Rubin, Fiorella & Friedman LLP 630 Third Avenue New York, NY 10017 (212) 953-2381 Email: jmercante@rubinfiorella.com</p> <p>Anthony Raymond Rutkowski Rutkowski Law Group P.C. 321 N. Clark Street 5th Floor Chicago, IL 60654 312-445-6390 Fax: 312-276-4579 Email: arr@rutkowskilawgroup.com</p> <p><u>Attorneys for Claimant, Skyway Yacht Works, LLC</u> Dennis Minichello Michael Davis Reed Marwedel, Minishello & Reeb, P.C. 303 W. Madison St. Suite 1100 Chicago, IL 60606 (312) 445-5312 Email: dminichello@mmr-law.com mreed@mmr-law.com</p> <p><u>Attorneys for Claimant, Shai Wolkowicki</u> Kenneth A. Hoffman Mitchell, Hoffman & Wolf, LLC 221 North LaSalle Street Suite 1148 Chicago, IL 60601 (312) 726-6722 Email: khoffman@mitchellhoffmanwolf.com</p>	<p><u>Attorneys for Claimant, Sharon Haws</u> Timothy Joseph Mahoney David F. Rolewick Hilary E. Wild Attorney at Law 1776 South Naperville Road Suite 105 – Building A Wheaton, IL 60187 (630) 665-9400 Email: timothym@rglawfirm.com davidr@rglawfirm.com hilaryw@rglawfirm.com</p> <p><u>Attorneys for Claimant, Creative Yacht Management, Inc. d/b/a SailTime Chicago</u> Corrine L. Conrad Curt Justin Schlom Wilson Elser Moskowitz Edelman & Dicker LLP 55 West Monroe Street Suite 3800 Chicago, IL 60603 312 704 0550 Fax: 312 704 1522 Email: corrine.conrad@wilsonelser.com Curt.Schlom@wilsonelser.com</p> <p><u>Attorneys for Claimant, Peggy M. Blenner</u> Kevin P. Durkin Sean Patrick Driscoll Tracy A. Brammeier Clifford Law Offices, P.C. 120 North LaSalle Street 31st Street Chicago, IL 60602 (312) 899-9090 Email: kpd@cliffordlaw.com spd@cliffordlaw.com tab@cliffordlaw.com</p>
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/s/ James M. Eastham
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